

APPEAL NO. 032192
FILED SEPTEMBER 22, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on July 25, 2003. The hearing officer resolved the disputed issues by deciding that the compensable injury of _____, does not extend to the disc bulge, disc herniations, or degenerative conditions in the appellant/cross-respondent's (claimant) lumbar spine and that the claimant has had disability from December 12, 2002, through the date of the CCH resulting from the compensable injury of _____. The claimant appealed the extent-of-injury determination, arguing that it is against the great weight and preponderance of the evidence. The respondent/cross-appellant (carrier) responded, urging affirmance of the determinations disputed by claimant. The carrier appealed the disability determination. The claimant responded, urging affirmance.

DECISION

Affirmed.

Extent-of-injury and disability issues are factual questions for the hearing officer to resolve. Conflicting evidence was presented regarding these issues. The hearing officer commented that the MRIs performed in October 2002 and February 2003 showed degenerative conditions with no acute injuries. Although the hearing officer was not persuaded that the claimant's compensable injury extended to include the disc bulge, disc herniations, or degenerative conditions of the lumbar spine, the hearing officer noted that the claimant's testimony along with the sparse medical records support disability from December 12, 2002, through the date of the CCH. A disability determination can be established by the claimant's testimony alone, if believed by the hearing officer. Gee v. Liberty Mut. Fire Ins. Co., 765 S.W.2d 394 (Tex. 1989). The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established from the evidence presented. The hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **PACIFIC EMPLOYERS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**ROBIN M. MOUNTAIN
6600 CAMPUS CIRCLE DRIVE EAST, SUITE 300
IRVING, TEXAS 75063.**

Margaret L. Turner
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Gary L. Kilgore
Appeals Judge